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| 10/073,670      | 02/11/2002  | Erik B. Christensen  | 50037.94USU1/167394.2 | 4585             |

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EXAMINER

RIES, LAURIE ANNE

ART UNIT PAPER NUMBER

2176

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/073,670

Applicant(s)

CHRISTENSEN ET AL.

Examiner

Laurie Ries

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/22/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Lines 8-11 of the Abstract refer to the purported merits of the instant invention and should therefore be reworded or removed.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the identifier" in line 1. It is unclear as to whether this refers to the first identifier recited in claim 1, line 2, or the second identifier, recited in claim 1, line 8.

Claim 18 recites the limitation "The computer-readable medium of claim 18" in line 1. There is insufficient antecedent basis for this limitation in the claim. For the purpose of further examination, it is assumed that claim 18 is dependent on claim 17.

The remaining dependent claims are rejected for fully incorporating the deficiencies of the base claim(s) from which they depend.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 11 and 17, as written, can be interpreted as an abstract idea directed solely to non-functional descriptive material. Claims 11 and 17 recite the limitation "a computer-readable medium encoded with a data structure" in the preambles of the claims; however, the subsequent claim limitations do not address the functionality of the disclosed data structures.

The remaining dependent claims are rejected for fully incorporating the deficiencies of the base claims from which they depend.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Microsoft Corporation, "Draft: Discovery of Web Services (DISCO)" (hereafter referred to as "The DISCO Document").

As per claim 1, The DISCO Document discloses a computer-implemented method for identifying metadata about a resource in the form of a Discovery Document which is identified by a first identifier, including issuing a request to get a rendition of the resource identified by the first identifier (See The DISCO Document, Page 2, Section 1, Bullet 2 – sample algorithm), parsing a response document received in response to the issued request (See The DISCO Document, Page 2, Section 1, Bullet 3 – the sample algorithm shows that the response document is parsed to determine the existence of a LINK tag within the content), and, if the response document includes an indication that the metadata exists within a resource identified by a second identifier, retrieving the

metadata from the other resource identified by the second identifier (See The DISCO Document, Page 2, Section 1, Bullet 2 – sample algorithm, line following “Then:”).

As per claim 2, The DISCO Document discloses the limitations of claim 1 as described above. The DISCO Document also discloses that the response document includes an XML document and the indication includes an XML processing instruction (See The DISCO Document, Page 3, Section 2, paragraphs 5-7).

As per claim 3, The DISCO Document discloses the limitations of claim 2 as described above. The DISCO Document also discloses that the identifier includes a Universal Resource Identifier (See The DISCO Document, Page 3, Section 3, Paragraph 1).

As per claim 4, The DISCO Document discloses the limitations of claim 2 as described above. The DISCO Document also discloses that the indication also includes an attribute identifying an “alternate” relation (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm, “rel=’alternate’”).

As per claim 5, The DISCO Document discloses the limitations of claim 2 as described above. The DISCO Document also discloses that the indication also includes the second identifier (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm, “href=’U2’”).

As per claim 6, The DISCO Document discloses the limitations of claim 1 as described above. The DISCO Document also discloses that the response document includes an HTML document and the indication includes a LINK tag (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm).

As per claim 7, The DISCO Document discloses the limitations of claim 6 as described above. The DISCO Document also discloses that the LINK tag also includes an attribute identifying an expected response type of text/xml (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm).

As per claim 8, The DISCO Document discloses the limitations of claim 6 as described above. The DISCO Document also discloses that the LINK tag also includes an attribute identifying an “alternate” relation (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm).

As per claim 9, The DISCO Document discloses the limitations of claim 6 as described above. The DISCO Document also discloses that the LINK tag also includes the second identifier (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm, “href='U2'”).

As per claim 10, The DISCO Document discloses the limitations of claim 1 as described above. The DISCO Document also discloses that retrieving the metadata from the other location occurs automatically and without further user interaction (See The DISCO Document, Page 2, Section 1, Bullet 2 – sample algorithm).

As per claim 11, The DISCO Document discloses a computer-readable medium encoded with a data structure including a discovery document including metadata about a resource stored at a first location identified by a first identifier, the discovery document being stored at a second location identified by a second identifier (See The DISCO Document, Page 2, Section 1, Paragraphs 1-2), the discovery document also including

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at least one typed link indicating the existence of further metadata about the resource (See The DISCO Document, Page 2, Section1, Bullet 3 – sample algorithm).

As per claim 12, The DISCO Document discloses the limitations of claim 11 as described above. The DISCO Document also discloses that the typed link indicates the existence of a second discovery document and a location of the second discovery document (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm).

As per claim 13, The DISCO Document discloses the limitations of claim 11 as described above. The DISCO Document also discloses that the typed link indicates a link to a Web-based service (See The DISCO Document, Page 4, Section 3, Paragraph 1 and example, line 3).

As per claim 14, The DISCO Document discloses the limitations of claim 13 as described above. The DISCO Document also discloses that another typed link indicates a link to a description of the Web-based service (See The DISCO Document, Page 4, Section 3, Paragraph 1 and example, line 3).

As per claim 15, The DISCO Document discloses the limitations of claim 11 as described above. The DISCO Document also discloses that the typed link indicates a link to an XML schema (See The DISCO Document, Page 4, Section 3).

As per claim 16, The DISCO Document discloses the limitations of claim 11 as described above. The DISCO Document also discloses that the identifier includes a Universal Resource Identifier (See The DISCO Document, Page 2, Section 1, Paragraph 2).



As per claim 17, The DISCO Document discloses a computer-readable medium with a data structure including a response document issued in response to a request for a resource, the response document including an indication that a document exists including metadata about the resource (See The DISCO Document, Page 2, Section 1, Paragraph 1).

As per claim 18, The DISCO Document discloses the limitations of claim 17 as described above. The DISCO Document also discloses that the response document is an HTML document and the indication includes a LINK tag (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm).

As per claim 19, The DISCO Document discloses the limitations of claim 18 as described above. The DISCO Document also discloses that the response document is an XML document and the indication includes an XML stylesheet processing instruction (See The DISCO Document, Page 3, Section 2, Paragraphs 5 and 7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Corporation, "Draft: Discovery of Web Services (DISCO)" (hereafter referred to as "The DISCO Document") in view of Newell (U.S. Publication 2003/0112270 A1).

As per claim 20, The DISCO Document discloses a system for communicating data over a network including a client computer configured to issue a request for a resource and to receive information in response to the request (See The DISCO Document, Page 2, Section 1, Paragraph 2), a response document based on the resource including an indication of the existence of a discovery document, the discovery document including metadata about the resource (See The DISCO Document, Page 2, Section 1, Paragraph 1), and where the client computer receives the response document including the indication of the discovery document (See The DISCO Document, Page 2, Section 1, Paragraph 2). The DISCO Document does not disclose expressly the inclusion of a server computer including a resource. Newell discloses a server computer that contains a number of secondary pages which include discovery information (See Newell, Page 2, Paragraphs 0029-0030). The DISCO Document and Newell are analogous art because they are from the same field of endeavor of accessing discovery information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the server containing resources of Newell with the system of The DISCO Document. The motivation for doing so would have been to store the resource information so that it is accessible to client computers via a network (See Newell, page 2, Paragraph 0029 and Page 3, Paragraph 0042). Therefore, it would have been obvious to combine Newell with The DISCO Document for the benefit of storing the resource information so that it is accessible to client computers via a network to obtain the invention as specified in claim 20.

As per claim 21, The DISCO Document and Newell disclose the limitations of claim 20 as described above. The DISCO Document also discloses that the response document includes an XML document and the indication of the existence of the discovery document includes an XML stylesheet processing instruction (See The DISCO Document, Page 3, Section 2, Paragraphs 5-7).

As per claim 22, The DISCO Document and Newell disclose the limitations of claim 20 as described above. The DISCO Document also discloses that the response document includes an HTML document and the indication of the existence of the discovery document includes a LINK tag (See The DISCO Document, Page 3, Section 2, Paragraph 2, and Page 2, Section 1, Bullet 3 – sample algorithm).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wamsley (U.S. Patent 6,810,382 B1) discloses a personal injury claim management system.
- Domenig discloses a query based approach for integrating heterogeneous data sources.
- XML-dev discloses a discussion of Microsoft's DISCO proposal and XML packaging.

- Tomasic discloses improving access to environmental data using context information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached at (571) 272-4090.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER